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**UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA
BUTTE DIVISION**

<p>ACE MESKIMEN,</p> <p>Plaintiff,</p> <p>vs.</p> <p>TROY RAY NAASZ, Individually; HOLLAND ENTERPRISES, INC., a North Dakota Corporation; C & D Enterprises, LLC, a North Dakota Limited Liability Company,</p> <p>Defendants.</p>	<p>CAUSE NO. <u>CV-09-23-BU-DWM-RKS</u></p> <p>Judge: _____</p> <p>COMPLAINT AND JURY DEMAND</p>
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INTRODUCTION

This action seeks redress for personal injuries sustained by Plaintiff when Defendant Troy Ray Naasz negligently operated a semi-truck and caused a collision with Plaintiff's vehicle on March 27, 2006, on Interstate 90. Count I alleges negligence; Count II alleges negligence *per se*. Plaintiff, Ace Meskimen, alleges as follows:

JURISDICTION, VENUE AND THE PARTIES

1. Plaintiff Ace Meskimen currently resides in Gallatin County, Montana, is a citizen of the state of Montana, and has resided in the State of Montana at all times relevant herein.
2. Defendant Troy Ray Naasz, upon information and belief, currently resides in Minnesota and has resided there at all times relevant herein.

3. Defendants Holland Enterprises, Inc. and C&D Enterprises, LLC, are North Dakota based business entities who owned the vehicle operated by Defendant Troy Ray Naasz at the time of the accident. Upon information and belief, Defendant Troy Ray Naasz was employed by one or both of the named North Dakota business entities.

4. The matter in controversy exceeds, exclusive of interest and costs, the sum specified by 28 U.S.C. §1332.

5. Pursuant to 28 U.S.C. §1391(a)(2), venue is proper in this Court because a substantial part of the events giving rise to this claim occurred in Gallatin County, Montana.

FACTS COMMON TO ALL COUNTS

6. On or about March 27, 2006, Plaintiff was working in the course and scope of his employment as a Montana Highway Patrolman. He was on patrol in his state cruiser in Gallatin County near Three Forks, Montana.

7. At the time of the accident, Plaintiff had stopped a motor vehicle for speeding and was issuing a citation. He was in his cruiser doing the paperwork. The cruiser was parked off the traveled portion of the roadway, on what is commonly called the “shoulder” of the roadway. Plaintiff’s emergency lights were activated and visible from the rear of his cruiser.

8. At the same time and place, Troy Ray Naasz was traveling westbound on Interstate 90, near mile marker 281, within Gallatin County, Montana, and near the town of Three Forks. Defendant Troy Ray Naasz did not move into the outer lane of traffic and lost control of the semi-truck as he passed Plaintiff’s cruiser. The semi-truck crossed the fogline onto the shoulder of the road and struck the police cruiser, causing extensive damage.

9. At the time of the accident, Defendant Troy Ray Naasz was in the course and scope of his employment with Defendants Holland Enterprises, Inc. and C&D Enterprises, LLC.

10. As a result of this accident, Plaintiff was injured as described below.

COUNT I – NEGLIGENCE

Plaintiff realleges and incorporates by reference herein each and every allegation set forth above and, in addition, alleges the following:

11. Although Defendant Naasz owed Plaintiff a duty to use reasonable care, he failed to drive in a reasonable and prudent manner taking into account all conditions and was therefore negligent.

12. As a result of Defendant Naasz's negligence, Plaintiff has suffered and continues to suffer bodily injuries, and has sustained and will sustain in the future, medical expenses, lost wages, pain and suffering, emotional distress, loss of ability to pursue his established course of life, and other associated damages and compensable injuries.

13. Defendants Holland Enterprises, Inc. and C&D Enterprises, LLC are jointly liable with Defendant Naasz for all damages sustained by Plaintiff.

COUNT II – NEGLIGENCE PER SE

Plaintiff realleges and incorporates by reference herein each and every allegation set forth above, and, in addition thereto, alleges the following:

14. Defendant Naasz violated Mont Code Ann. §§ 61-8-301, 302, 328, and 346, each of which caused the accident. These statutes were each enacted to protect the drivers and passengers of vehicles in Montana from the type of harm Plaintiff has suffered. The Defendant, Troy Ray Naasz, as a driver in the State of Montana at the time of the accident, was part of the class of persons regulated by these statutes. Thus, Defendant Naasz was negligent *per se*.

15. As a result of Defendant Naasz's negligence *per se*, Plaintiff has suffered and continues to suffer bodily injuries, and has sustained and will sustain in the future, medical expenses, lost wages, pain and suffering, emotional distress, loss of ability to pursue his established course of life, and other associated damages and compensable injuries.

16. Defendants Holland Enterprises, Inc. and C&D Enterprises, LLC are jointly liable with Defendant Naasz for all damages sustained by Plaintiff.

**COUNT III – NEGLIGENCE PER SE,
STATE AND FEDERAL REGULATIONS AND LAWS**

Plaintiff realleges and incorporates by reference herein each and every allegation set forth above, and, in addition thereto, alleges the following:

17. Defendant Troy Ray Naasz violated various State and Federal regulations and laws which caused the accident. These regulations and laws were enacted to protect the drivers and passengers of vehicles on the roads and highways from the type of harm Plaintiff has suffered. The Defendant, Troy Ray Naasz, as a driver on these regulated roads and highways, was part of the class of persons regulated by these regulations and statutes. Thus, Defendant Troy Ray Naasz was negligent *per se*.

18. As a result of Defendant Troy Ray Naasz's negligence *per se*, Plaintiff has suffered and continues to suffer bodily injuries, and has sustained and will sustain in the future, medical expenses, lost wages, pain and suffering, emotional distress, loss of ability to pursue his established course of life, and other associated damages and compensable injuries

19. Defendants Holland Enterprises, Inc. and C&D Enterprises, LLC are jointly liable with Defendant Naasz for all damages sustained by Plaintiff.

COUNT IV – PUNITIVE DAMAGES

Plaintiff realleges and incorporates by reference herein each and every allegation set forth above, and, in addition thereto, alleges the following:

20. Defendants acted in a willful, wanton and malicious manner and unreasonably endangered the public thereby.

21. Defendant Troy Ray Naasz acted with malice because he acted with conscious disregard and indifference toward known facts which created a high probability of injury to Plaintiff.

22. Pursuant to Mont. Code Ann. § 27-1-221, Plaintiff is entitled to an award of punitive damages.

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

1. For all general, special, and compensatory damages in an amount exceeding \$75,000.
2. For all costs and expenses of suit as allowed by law.
3. For attorneys' fees as allowed by law.
4. For punitive damages.

5. For such further relief which to this Court may seem just and equitable.

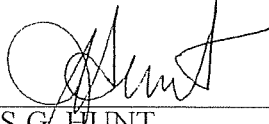
JURY DEMAND

Plaintiff demands a jury trial.

DATED this 24th day of March, 2009.

HUNT LAW FIRM

BY: _____


JAMES G. HUNT
Attorneys for Plaintiff